

J. L. POWELL,
EDITORS AND PROPRIETORS.
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JACKSON, MISS.

Friday, January 4, 1867.

The Jackson Clarion offers to purchase one million dollars of Confederate money. Doesn't say what it will give.—Mobile Tribune.

The highest market price, of course.

The editorial fraternity of Kentucky meet in Convention at Frankfort on the 8th inst., to consider matters of general interest to the profession.

Capt. Jno. G. Ryan, it will be seen by our dispatches this morning, is in Washington demanding damages for false imprisonment about eighteen months ago as John H. Surratt. Put your figures high, Captain—nothing less than fifty thousand. They've got the right one now, and they can afford to be liberal.

Elder J. B. Hamberlin has severed his editorial connection with the Christian Watchman—having too many other engagements to require his attention. The Watchman is an excellent denominational and family newspaper, and we are pleased to see its enterprising publishers meeting with so much success.

Teacher's Convention.

We hope that the teachers throughout the State will bear in mind the convention to be held in this city on Thursday, 17th inst. The educational interests of our State require more systematic and vigilant attention, and the professional teachers are the proper ones to digest and suggest what measures are best calculated to that end. We are confident of a large attendance, and we are certain that much good will result. Through the courtesy of the several railroads, delegates will be conveyed at half fare; and we feel safe in saying that they will be subjected to no expense while in our city. Those intending to come are requested to notify Prof. W. C. White or Prof. H. W. Pierce, so that entertainment may be provided for them during the session of the convention.

Our Jackson contemporaries have a very infelicitous way of announcing deaths before they occur. Some months ago, the decease of Col. Walter, of Holly Springs, was announced; then contradicted and then announced again; and finally it took telegrams and letters from the Colonel himself, to assure his friends that he was still alive. A day or two since, on the authority of the Clarion, we mentioned the death of Col. R. C. Miller, Clerk of the House, and paid an honest tribute to his memory. A telegram from Enterprise says that Col. Miller is not dead, but that his health is improving. So mote it be.—Natchez Courier.

The Natchez Courier complains that its Jackson contemporaries have a very infelicitous way of announcing deaths before they occur.—N. O. Crescent.

And the Natchez Courier has a "very infelicitous way," sometimes, of finding fault. In regard to the reported death of Col. Walter, we simply took for granted what was stated for a fact in the Memphis papers. The mention of Mr. Miller's death, by the Courier, was not based upon the authority of the Clarion; for the only reference we made to the matter, at that time, was to contradict the report. We have been since, we regret to say, authoritatively advised of his decease.

The Washington Star states that the advocates of the territorial government measure for rebel States have canvassed the two houses, and doubting their ability to carry it this session, have concluded to postpone the matter until next session, when they expect to have strength to push it forward without fail.

A member of the New Jersey Legislature convicted of selling his vote, has been sentenced to imprisonment for one year, and forever precluded from holding public office.

THE SUPREME COURT.—The Supreme Court, as at present constituted, consists of the following named jurists, with the date of their appointment:

- 1863—S. P. Chase, Ohio, Chief Justice.
- 1835—James M. Wayne, Georgia.
- 1845—Samuel Nelson, New York.
- 1846—Robert C. Grier, Pennsylvania.
- 1858—Nathan Clifford, Maine.
- 1862—Noah M. Swayne, Ohio.
- 1862—David Davis, Illinois.
- 1862—Samuel F. Miller, Iowa.
- 1863—Stephen J. Field, California.

A mad wag says Hiram Powers has just executed at Florence a figure of "Eve after the Fall."

Right of Representation.

The speech of Hon. Elijah Hise, of Kentucky, delivered in Congress on the 20th of December, is so timely, so eloquent, and so unanswerable as an argument in favor of our right to representation, that we cannot resist the temptation to make a few extracts:

Why, sir, if you have this authority to govern people without their being represented here, suppose you try your hands upon the West India Islands, Cuba, Jamaica, San Domingo and Porto Rico. Suppose you try your hands upon Mexico and the States of British North America, and see whether or not you are willing to pledge yourself not only to sustain your power over a people not represented, but your ability to make territorial governments over the whole of North America, including the adjacent islands. Now, sir, you have as much authority to extend territorial governments over the people of Cuba, over the States of Mexico, Central America, and British North America, as you have of extending a territorial, arbitrary government over the people of the States not represented.

You do not admit that these States are out of the Union. If they are out of the Union, then you have no right to govern them. If they are in the Union then they are in States, and as States have a right to their proportion of representation in the Lower House of Congress and their right to equal representation on the floor of the United States Senate. Otherwise, there is no Constitutional power and authority to govern them; none whatever.

Now I do not find from one distinguished man of our own political school an expression of opinion on a public theater, where the party could be held responsible for his views, a deliberate expression of his opinion, that this is a popular Government and its powers are co-extensive with the will of existing majorities. You cannot find it; this is a Government of States; not only does the history of the times prove it by showing they were independent sovereign States before the Government was formed, but it is proved by the Constitution itself. It was made by the States. The States were to be represented equally in the Senate regardless of their geographical extent, of size, or amount of population. The principle was declared and the mode prescribed in the Constitution itself, whereby the States should be represented in the lower branches of Congress, but they were still the representatives of States. The President of the United States was to be selected by the States. Each and all are required by the fundamental and irrepealable law, the Constitution of the United States, to select their representation in the Electoral College for the purpose of electing a President and Vice President; and if any candidate fail to receive a majority there then the election comes into this House, where it is to be decided by States, each State only having one vote, to be cast by the majority of its delegation, and a majority of all the States necessary to a choice.

Not only is it the fact that the machinery of the Federal Government has been provided by States; that its functionaries represent the States; that it gives to the States the power of electing the Chief Magistrate; but the Constitution itself proves most conclusively that the States were to continue to exist with all their retained powers in the Federal Union, and that the ends and purposes for which the Government of the United States was established could well be subserved without interference with the independent governmental character of the States. It was never intended to interfere with the authority and rights of the States as such. They were to rule themselves within their own borders to all intents and purposes, so that they assumed no granted power and exercised none prohibited to them. They had the right to adopt their own criminal and civil codes, to regulate by their own laws their own internal concerns in every particular in regard to crimes and punishments, civil rights, the transmission of real estate by purchase or descent, the mode of distribution of personal estates, the relation of husband and wife, parent and child, guardian and ward, and, if you please, master and slave; all the duties and obligations pertaining to the various civil officers, of executors, administrators and trustees. All these powers are retained by the States, with the reserved power to each State for itself to control its own policy in regard to manufactures, agriculture and commerce within its own borders.

Now, look at the character of the Federal Government. It may raise an army. The States have no right to create armies or raise troops in time of peace. The Federal Government may build and support a navy. The States are inhibited from doing it. The Federal Government may make treaties with foreign powers. The States are prohibited from doing it, and even from making compacts with each other. But all authority over their internal concerns in regard to the rights of property and of person are retained by the States, except so far as they may be expressly granted to the Federal Government. The whole object and purpose was, that the Federal Government should have control of our foreign commerce, our foreign relations; should have the power to make war, in conducting which the States were to unite all their energies and powers; and should have the authority to coin money, to impose taxes, and to borrow money, &c. It is easy, were it not for the tendency of

ambitious men when in power to magnify and extend that power beyond its legitimate limit, it is easy for this Congress and for the Government of the United States in all its departments to trace and pursue the plain line of demarkation or distinction between the powers and jurisdiction of the Federal Government and that retained by the States. An infallible clue to a just and true interpretation of the Constitution of the United States in regard to the powers thereby granted by the States, is to understand the objects and purposes to be promoted and attained by the Government it creates. These objects were to make war and peace as a unit, to control and conduct our foreign affairs and relations, to regulate our commerce with foreign powers, between the States and the Indian tribes, to keep perpetual free trade and peace between the States. Let the Government of the Union, in the exercise of its powers, then confine itself to the accomplishment of these purposes, carefully avoiding any invasion of the retained powers of the States, and the Union may be indefinitely extended and forever maintained.

I hold, therefore, that we ought to look not only to the present but to the future. Yet you are here adopting a system of policy to deprive these States of their representation in Congress, for no higher or nobler purpose than that of preserving your party predominance. Nothing else can be at the bottom of it. Humanity cannot prompt it; patriotism cannot inspire it; love of the Union and hope of its preservation cannot possibly justify it; because all these forbid it. Sound patriotism would say: "admit the representatives from those States;" common humanity and justice would say, "admit them;" the best policy and interest of the whole country would say "admit them;" the Constitution and laws imperatively demand that we should admit them.—They are in the Union and you cannot lawfully put their representation out of the House; it is their portion of the instrumentality and machinery by which they and other portions of the Union are to be governed.

But you deny that they are States. Well, sir, if a man will deny a solemn truth staring him right in the face; if a man will deny what the records of your own Congress prove; if a man will deny what is plainly stated in the Constitution of the United States; if a man will deny the fact that Virginia, Georgia and the Carolinas were in part the framers of the Constitution, and that they are members of the Union created by that Constitution; if a man will deny these things, how can you demonstrate anything to him? These states, through their delegates to the Federal Convention, assisted in framing the Constitution, and they, by their several State conventions, adopted and ratified it. The other States now denied their due representation in Congress were each, by solemn compacts in the form of reciprocal and irrepealable legislation, passed and adopted by the legislative authorities of both the governments of the Union and of the said States, severally admitted into the Union, where they stand now and must forever remain unless severed by a successful revolution.

But my recollection is that the President of the Southern Confederacy, Jefferson Davis, while he remained in the Senate of the United States and until his State passed her ordinance of secession, made as patriotic and earnest efforts to have the difficulties of the country adjusted and prevent disunion as any man in the American States at the time.

Now, sir, suppose that the Southern people were wrong in the action which they took, and that it was both inexpedient and unauthorized, yet this does not justify you in the past and the intended treatment of the excluded States. If they erred in the attempt to carry their States out of the Union, is that a sufficient reason why now the hostile spirit engendered by the war should be continued? Now, when peace is restored, why should we endeavor to do every possible means to restore peace to the country? "Ah," say you, "if we do not keep these people muzzled—if we do not deny them any share or influence in the Government, refuse them their share of representation in the House of Congress, our party predominance will pass away." That is the fear. Now, is that a motive by which statesmen should be influenced? Our object should be peace—a peaceable reunion of the States—a union of them, because I deny that the Union has ever been divided; I deny that any of the States have ever been destroyed. There can be no such thing as "reconstruction" unless there has been a structure demolished. The name of the committee who assume the charge of this whole subject is therefore not appropriate. There is no reason or necessity for any committee on reconstruction, because there is nothing to reconstruct. The Union has been preserved. Certain States that attempted to get out of the Union, failed in that attempt and are still in the Union. All the acts by which they attempted to get out are null and void, being in conflict with the Constitution of the United States, "the supreme law of the land."

Now, sir, how does Congress propose to treat those States? It has treated them as States in the various particulars and modes pointed out in the President's message.—Gentlemen clamor here because those States have not adopted the proposed Constitutional amendment, by which their whole social system and fabric of society would be debauched, demoralized and reversed. Yet they have no authority to act on that Constitutional amendment unless they be States of the Union. In many other particulars, as stated in the President's message, Congress has treated them as States. Yet it is now insisted that they are not States, and not being States they are not entitled to representation upon this floor. It is pretended that they have relinquished and forfeited their rights as States. Why, sir, such a thing is impossible. Where is the law or the reason for it? Why, sir, during the war of the French revolution there was one portion of France, on the coast of Brittany—called, I believe, La Vendee—whose people fought on the side of the monarchy and against the revolutionary party; yet I never learned from my reading of French history, that when the revolutionary party had proved successful the people of the insurgent districts were disfranchised. How was it in the civil wars of England, the conflicts between the houses of York and Lancaster, and the intestine strife during the reign of Charles I? After the Government became established, first under Cromwell and after-

ward under Charles II, were the people who had taken part in these wars, either on one side or the other, disfranchised—devoid of the privilege of sending their representatives to the House of Commons, and deprived of their rights as subjects of Great Britain?—Imagine not. There may have been here and there cases in which the ring-leaders were punished; but there was no disfranchisement of the people inhabiting whole sections of country, counties or municipalities that may have been involved in a rebellion or civil war.

Why not have peace and unity? You say they are not States, because you say they are not States; because you say they are not States I admit that they have no right to representation. But they are States: now you propose unlawfully and unconstitutionally to destroy their character as States and convert them into dependent territories or conquered provinces. Upon what authority? Where is the law for it? You cannot punish a State. There is no Constitutional authority for the indictment, trial, conviction and punishment of a State as such. There is no punishment for States prescribed in the Constitution, or in any law I have ever seen or heard of.

Why punish them? How can you try the State? You cannot do it. Do you want to punish the people? You cannot do it. It is impossible. The people of those States, many of them, would never have concurred in the movement of secession but for the enormities and atrocities practiced by this Government during the war, and the violation of what was declared to be the object of the war in a resolution passed by both House of Congress, to the effect that it was not intended to interfere with their domestic institutions or any of their rights and privileges under the Constitution. It was not, sir, until after the Government violated that solemn pledge, made in both branches of Congress, that the war was to be prosecuted not for the purpose of subjugation or enslavement of those people, not for the purpose of overturning or interfering with their rights as States or their State institutions, not at all; but for the mere purpose of enforcing the Constitution and laws of the United States and preserving and maintaining the Union and the Government of the Union under the Constitution; and that when they succeeded in suppressing all armed opposition and resistance to the Government, then those States should be received again into the Union as States, and the Union as before, according to the declaration of Mr. Seward in his dispatch to our Minister to France, that the States would come back again and remain in the Union with all their rights of property and representation. I repeat, it was a solemn pledge, these solemn pledges were violated by the subsequent development of the real objects and purposes for the attainment of which the war continued to be prosecuted, that the Southern people generally concurred in the necessity of persisting in armed resistance for defence.

Now, in violation of all these pledges you design in bad faith to convert these States into Territories. Where is the authority, where is the law for it? Some gentlemen contend the authority is to be found in that portion of the Constitution which says that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and upon application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic violence. Sir, that provision of the Constitution, in my opinion, authorizes no such thing as the conversion of those States into provinces to be governed arbitrarily. This clause of the Constitution contains no such authority. It is a mere guarantee that the Republican Government of the States shall be maintained. There was no authority given in that clause to convert States into Territories so as to deprive them of all representation in Congress. It is an obligation, in fact, imposed upon the Federal Government to see that neither by domestic violence, foreign invasion, nor in any other way the Republican Governments of the States should be overturned. Now, does that give to the Government of the United States the power to overthrow the State governments when they are Republican in fact, and to institute territorial governments so as to deprive them of all representation in Congress? Was that the object? Can this Congress make them Territories at its discretion? Can it reduce the States to a condition of conquered and dependent provinces when they choose and as they choose? Because the duty is imposed upon this Government by the clause of the Constitution above cited to protect the States as States, and to see that the State governments of government as existing, can be interfered with any show of reason that this power or duty of the United States is properly executed and performed by overturning instead of guaranteeing the republican governments of the States, and by bringing them into condition as States into that of dependent provinces, and by denying to them their right of representation in Congress? Never! no never!

NEW ORLEANS AND JACKSON RAILROAD.—The prosperous condition of this road is a matter of congratulation. Starting out under rather unfavorable circumstances, it has emerged from its difficulties and embarrassments and now presents an exhibit which will compare favorably with much older and more fortunate institutions. We are pleased to learn that the directors are now prepared to pay the interest on coupons due in New York and here, amounting to about eighty-one thousand dollars; and some sixty thousand dollars have already been remitted to Europe to pay the coupons due there. All of this money is the earning of the road, not one dollar having been borrowed to make the payments mentioned. This speaks well for the present Board of Directors, and evinces great efficiency and good management on the part of those gentlemen charged with the administration of the Jackson Railroad. Persons holding coupons past due would do well to call at the office of the Company and have them funded. We trust that the road will continue to prosper in the future as it has done in the short time since its revival.—N. O. Bulletin.

THE PRESIDENT AND THE CONSTITUTIONAL AMENDMENT.—A late Charleston dispatch says:

Col. W. Estery, member of the State Senate, who was entrusted with an informal commission to the President of the United States, has returned from Washington, where he had a long and interesting interview with the Executive upon the question of restoration and kindred topics, in which the President gave it as his deliberate opinion that the Southern States, through their Legislatures, should reject the proposed constitutional amendment, but in such terms as to not give offence to those who are urging it upon the South. Such action he believes, would be sustained by the Supreme Court of the United States; at least he had reason to hope it would.

BY TELEGRAPH.

REPORTED EXPRESSLY FOR THE CLARION.

New York, Jan. 3.—Cotton firm, with an increasing upward tendency. Gold 132. Flour firm—5@10c higher. Corn quiet.

A Washington special says that the object of the expedition of Assistant Secretary Seward and Admiral Porter is to convey to Napoleon dispatches explanatory of Seward's messages. Other specials have other speculations as to the mission.

Washburn's bill establishing a Government Postal Telegraph will become a law. The House Postal Committee are nearly unanimous for it.

It is reported that the Ways and Means Committee has decided that gold must hereafter be sold in open market—that there is too much gold in the Treasury, and that it must be reduced.

No action yet on Boutwell's bill. The Senate Finance Committee do not look with much favor on Pomroy's bill, and prefer not to interfere with Mr. McCulloch's contraction policy.

John G. Ryan, arrested at Memphis 18 months ago as John H. Surratt, is seeking damages for false imprisonment.

The correspondence between Gov. Wells, of Louisiana, and Gen. Sheridan is published. Wells requested the enforcement of Grant's Order No. 44 and punishment of rioters by military commission. Sheridan replied that he would when he thought it necessary.

The steamer Nangatuck, running between St. Louis and Cincinnati, struck a snag last Saturday night 75 miles below St. Louis, and sunk in 25 feet water. Weather very cold. Navigation still suspended.

NEW ORLEANS, Jan. 2.—Horace Greeley declines, for want of time, to lecture before the Galveston Literary Society.

Cotton receipts light—no change.

LIVERPOOL, Jan. 2.—The cotton market has been active to-day, and prices have advanced 1d. per pound. The sales sum up 20,000 bales. Middling uplands are quoted at 15 1/4d.

PARIS, Jan. 2.—The Moniteur to-day editorially announces that the entire body of French troops will surely have left Mexico by the first of March.

MADRID—Thursday, Jan. 3.—Marshal Serrano has been arrested, and it is supposed that he is implicated in the recently discovered insurrectionary plot.

ROME—Thursday, Jan. 3.—The committee of action has issued a proclamation calling for the early rising of the inhabitants against the authorities, and in favor of incorporation with the Kingdom of Italy.

VIENNA—Thursday, Jan. 3.—The Austrian Government has called a special session of the Reichsrath to consider the question of amending the constitution of the Empire.

RICHMOND, Jan. 3.—Returns from twenty-three Conferences of the Southern Methodist Church show that the proposition to change the name is defeated, and also indicate the probable defeat of the lay delegation proposition.

WASHINGTON, Jan. 3.—Stevens has called up his bill for the reorganization of the Southern States. In doing so he remarked that the late decision of the Supreme Court was more dangerous—he would not say more infamous—than the Dred Scott decision.

WASHINGTON, Jan. 3.—Mr. Bundy of Iowa introduced the following joint resolution for the establishment of four territorial governments within the so-called State of Texas:

Whereas, by joint resolution, approved March 1st, 1845, that district heretofore known as the State of Texas, was admitted into the Union and wrongfully permitted to retain in her own right, as the said State, all unsettled lands within the limits of the entire territory thereof, consisting of 237,000 square miles—all of which were acquired by the common treasure, sacrifice and blood of the people of the whole Union; and, whereas, the people inhabiting said territory, occupying such lands, joined the inhabitants of other insurrectionary districts waging war against the Government and people of the United States, thereby forfeiting their political rights as citizens of the States of the Union, and destroying the practical relations of the said State of Texas with the Government of the United States to the extent that all territorial rights and possessions appertaining to be exercised or enjoyed by the people of the said State of Texas, become and remain forfeited and lost to them by reason of their own acts of treason and rebellion as aforesaid; and, whereas, the people and the public authority have been, and are still disposing of the public lands remaining unsettled therein, not only in a reckless and improvident manner, but to persons who have been, and are still disloyal to the Government of the United States, and rewards for treason and rebellion against the same; and, whereas, the people and public authority of said district, in defiance of all law, municipal and divine, have, and are still committing every species of violence and outrage upon each other, and more particularly upon Union men and freedmen within its borders; and, whereas the said district of Texas has been and is now the resort and refuge of desperate and lawless characters and criminals so that the very name by which that country is recognized and named throughout all lands is suggestive of the penal colony of the old world—the name and history thereof indicating little else but bloodshed, ingratitude, violence and wrong; therefore, to end the political power and public domain thereof, that they may not further strengthen the hands and advance the purposes of those who have been and are now the most active, untiring and malignant foes of liberty and union of the States, and with a view of a speedy settlement of the entire region of said District with a loyal and industrious people, and for the purpose of establishing justice, enacting and executing the laws and maintaining order and securing tranquility therein.

Resolved, That said District heretofore known as the State of Texas be divided into four territories with a suitable government thereof.

and elected by loyal male persons of the one year and upwards, having resided the territory 6 months and who has not been convicted of any infamous crime, or is a pauper, shall have adopted a constitution of a republican form, and conform amendment proposed by the 39th Congress at its first session, shall be eligible to admission into the Union, and upon election of any of Congress who can give quality, shall be admitted into the Union upon an equal footing with the other States thereof. The civil governments of said territories shall assimilate to the same governments of other territories of the Union; and until such governments are provided, the Government and laws of Texas shall remain in full authority; and that all sales and grants of land hereafter made in Texas by the public authorities thereof to disloyal persons or enemies of the Government of the United States, shall be null and void, and the right of pre-emption to any public lands therein, under the laws thereof, shall not entitle to the benefit of such person or persons.

NEW ORLEANS, Jan. 3.—Cotton sales stiff. Sales ten thousand bales; Low Middling 31 1/2@32; Middling 33; receipts thirty-nine hundred bales. Exports 4000. Sugar, good demand; fair 10c. Molasses good demand 52@53; prime to choice 64. Flour firm; superfine 11 1/4; extra 12 1/4. Corn, good demand 10 1/4; oats 4 1/2. 80@82; hay quiet, 27@28. Pork firm, 1 3/4. Bacon, shoulders 12 1/2; Sides 12 1/2. Lard quiet, 12 1/2@13. Gold 32 1/2. Bank 80. Freight, New York 1 by rail and 1 by steam.

Eds. Com.—You have noticed by your paper that General Morgan Smith was married in Vicksburg. This is to certify that I, his true lawful wife, know nothing of the matter, and therefore it must be a false and malicious lie. I hope every paper that copied the report will also copy this denial.

MARY ANN SMITH.

NEWPORT, Ky., December 24, 1866. [There are so many General Smiths that, of course, this is all a mistake to the individual. We have no one some body named Smith has guilty of lawful matrimony in Vicksburg, but it by no means follows the gallant General Morgan L. S. has furnished the raw material another fashionable novel by Braddon.—Eds. Cincinnati Commercial.]

The above card appears in the Cincinnati Commercial with the request that it should be copied in all the papers which have announced the marriage of Gen. Smith in this city. Justice to the parties concerned can only state that we have seen no copy of the Supreme Court, New York City, that divorces a man from his former wife, and we presume, of the above card, a decree, emanating as it does from a respectable a widow, we deem sufficient answer to the "card," at least until the whole record is produced. [Vicksburg Times.]

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